

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-107176-001 DT
CR2012-007950-001 DT

01/28/2016

HONORABLE WARREN J. GRANVILLE

CLERK OF THE COURT
B. Navarro/K. Schermerhorn
Deputy

STATE OF ARIZONA

PATRICIA L STEVENS
MARY-ELLEN WALTER
JULI S WARZYNSKI
COLLEEN CLASE

v.

MICHAEL LEE CRANE (001)

HERMAN ALCANTAR JR.

CAPITAL CASE MANAGER

MINUTE ENTRY (CAPITAL CASE IN CR 2012-107176-001 ONLY)

Prior to the Evidentiary Hearing, Defendant's Exhibits 1 through 28, State's Exhibits 29 through 45, 45.001, 46 through 55, Defendant's Exhibits 56 through 58, Court's Exhibit 59, Defendant's Exhibits 60 through 67, State's Exhibits 68 and 69, Defendant's Exhibit 70, State's Exhibit 71, and Defendant's Exhibits 72 through 92 are marked for identification.

LET THE RECORD REFLECT that all Exhibits are entered under CR 2012-107176-001.

Prior to calling the matter, the Defendant was brought into the courtroom. The Defendant's behavior was disruptive and his language profane.

Based on the Defendant's behavior, the Defendant has waived his right to be present for this hearing. The Defendant is removed from the courtroom.

10:26 a.m. This is the time set for a Rule 11 Evidentiary Hearing as to both matters.

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Courtroom 6A SCT

State's Attorney: Juli S. Warzynski, Patricia L. Stevens, and
Mary-Ellen Walter
Victim Rebekah Motlagh's Attorney: Eric Aiken for Colleen Clase
Defendant's Attorney: Herman Alcantar, Jr. and Jamie Sparks
Defendant: Presence Waived

Court Reporter, Rochelle Dobbins, is present.

A record of the proceeding is also made by audio and/or videotape.

Victims' next of kin Steven Shapiro and Dirk Gaudet are present telephonically.

The Rule of Exclusion of Witnesses is invoked by the State. The Defense does not object.

The Defense requests approximately 10 minutes to sort through the Exhibits.

The parties agree that this is a *de novo* proceeding and that the State has the burden of establishing that the Defendant has been restored to competency.

10:29 a.m. The court stands at recess.

10:42 a.m. Court reconvenes.

State's Attorney: Juli S. Warzynski, Patricia L. Stevens, and
Mary-Ellen Walter
Victim Rebekah Motlagh's Attorney: Eric Aiken for Colleen Clase
Defendant's Attorney: Herman Alcantar, Jr. and Jamie Sparks
Defendant: Presence Waived

Court Reporter, Rochelle Dobbins, is present.

A record of the proceeding is also made by audio and/or videotape.

Victims' next of kin Steven Shapiro and Dirk Gaudet are present telephonically.

The Defense makes a record of the Exhibits.

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State's case:

Dr. Thomas Geen is sworn and testifies.

Upon the State's motion, Defendant's Exhibits 78 and 79 are received in evidence.

The State advises that Mr. Hinchcliff, who is a witness for this hearing, is now present but is not available this afternoon to testify. The State requests that he be called out of order. The Defense objects.

Over the Defendant's objection,

IT IS ORDERED allowing the State to call Mr. Hinchcliff out of order.

Dr. Geen is excused until 1:30 p.m. today.

The State calls a witness out of order and Greg Hinchcliff is sworn and testifies interrupting Dr. Geen's testimony.

The witness is excused.

12:01 p.m. Court stands at recess.

1:31 p.m. Court reconvenes with respective counsel present and the Defendant's presence waived.

Court Reporter, Rochelle Dobbins is present.

A record of the proceeding is also made by audio and/or videotape.

Victims' next of kin Steven Shapiro and Dirk Gaudet are present telephonically.

Dr. Thomas Green testifies further.

State's Exhibit 93 is marked for identification.

The State offers State's Exhibit 93 and it is admitted in evidence.

The witness is excused but subject to recall.

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2:34 p.m. Court stands at recess.

2:41 p.m. Court reconvenes with respective counsel present and the Defendant's presence waived.

Court Reporter, Rochelle Dobbins is present.

A record of the proceeding is also made by audio and/or videotape.

Victims' next of kin Steven Shapiro and Dirk Gaudet are present telephonically.

Court and counsel discuss matters.

Lisa Garbarino is sworn and testifies.

The witness is excused.

Court and counsel discuss matters.

4:01 p.m. Court stands at recess until **January 29, 2016 at 11:00 a.m.**